

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

: 07 Cr. 00611 - 02 (WHP)

: ORDER

-against-

Carlos Barros,

Defendant.

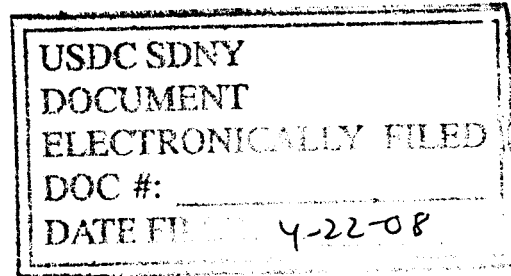
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WILLIAM H. PAULEY III, District Judge:



This Court received the attached letter from the defendant and now forwards it to
counsel.

Dated: April 18, 2008
New York, New York

SO ORDERED:

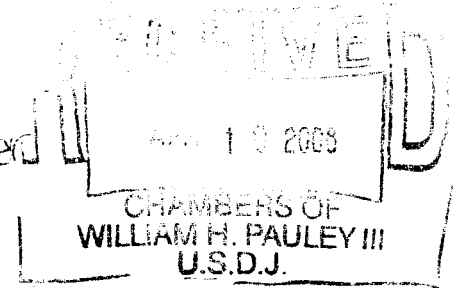

WILLIAM H. PAULEY III
U.S.D.J.

Copies mailed to:

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Carlos A. Hilario-Barrios
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160 Park Row
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The Honorable William H. Pauley III
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: United States v. Carlos Alberto Hilario-Barrios
07 Crim. 611

Dear Judge Pauley,

I am the defendant in the above-mentioned action and hereby submit this letter requesting relief from this Honorable Court. My claims and contentions are as follows:

Up until today, my attorney has had one goal in mind - for my entrance of a plea of guilty. Counsel insists on me signing a plea agreement which I have expressed I do not fully understand. Counsel's only advise is that signing this plea agreement is my best and only option, because nothing much is needed to convict me at trial. At no time has counsel reviewed the Government's evidence against me, together, as listed in the discovery material.

I have persistently requested of counsel to obtain all discovery material from Government pursuant to Federal Rule of Criminal Procedures 16. However, counsel has neglected to follow through with such request. We have never once discussed a defense strategy in regards to trial - but only to plead out to Government's plea Agreement. Counsel's ineffectiveness is depriving me of my rights under Rule 12(b)(2), which allows defendant the benefit to file pre-trial motions - to objections and challenges before trial. No effort has been shown by counsel in attempting to obtain discovery material or preparing a defense.

Even when it comes to the Plea Agreement, counsel has been ineffective in thoroughly explaining to me what it binds me to. Counsel persists on me signing an agreement unknowingly and unintelligently. I have claimed several times that I do not understand the base offense level determination, nor do I know the sentence I will be binded to. Counsel seeks me to accept these terms even after I expressed I do not know what I am subjecting myself to. I have not received effective representation as required by the Sixth Amendment. The Sixth Amendment guarantees the right to effective assistance of counsel in a criminal prosecution. See *Melvinn v. Richardson*, 397 U.S. 764, 771 n.4 (1970). Counsel's representation within this proceeding at bar fell below the standard as required by the sixth Amendment, such is affecting my substantial rights, and I do not want this to seriously affect the fairness, integrity, and public reputation of the judicial proceeding. See *Strickland v. Washington*, 466 U.S. 668, 687 (1984).


I am therefore requesting of this Court to appoint new counsel immediately. I thank you for your kind attention to this matter herein.

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re: United States v. Carlos Alberto Hilario-Barrios
07 Crim 611

Respectfully Submitted,

Dated: April 6th, 2008
New York, New York


Carlos A. Hilario-Barrios

Authorized By The Act of
July 7, 1955 to Administer
Oaths (18 U.S.C. 4004)

Authorized By The Act of
July 7, 1955 to Administer
Oaths (18 U.S.C. 4004)


Case Manager

Signed before me this
5th day of April 2008
Metropolitan Correctional Center